

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ANDREW ALEXANDER,
et al.,

Plaintiffs,

vs.

Civil Action No.
4:20-cv-00021-DMB/JMV

PELICIA E. HALL, et al.

Defendants.

**PLAINTIFFS' RESPONSE TO DEFENDANTS'
MOTION TO DISMISS AND VACATE PRIOR DECISION**

NOW COMES, Plaintiffs, ANDREW ALEXANDER, HUBERT ANDERSON, JOHN BARNES, STEVEN BARNES, JARRED BAYSINGER, MAURICE BISHOP, BENNY BLANSETT, JASON BONDS, ANTONIO BOYD, MCKINLEY BRADY, DARKEYUS BROWN, CHRISTOPHER BURNS, CEDRIC CALHOUN, and RAYSHON DARDEN, on behalf of themselves and all others similarly situated, by and through counsel and submit their response to Defendants Turner's Motion to Dismiss and Remaining Defendants' Motion to Vacate Prior Order (ECF No. 87), and would show unto the Court, as follows:

1. Plaintiffs properly pled sufficient facts to establish Article III standing;
2. Plaintiffs properly pled sufficient facts to establish a claim under 42 U.S.C. § 1983 and the Eighth Amendment against Defendant Turner and all other Defendants;
3. Defendants are not entitled to qualified immunity under clearly established caselaw; and
4. This Court should exercise its discretion to not grant Defendants' Motion to Vacate under Fed. R. Civ. P. 54(b).

WHEREFORE, Plaintiffs respectfully request that this Court deny Defendant Turner's Motion to Dismiss and Remaining Defendants' Motion Vacate Prior Order (ECF No. 87) for the reasons above and set forth in the accompanying Memorandum.

Date: April 11, 2022

Respectfully Submitted,

/s/ Paul Matouka

Paul Matouka (MI State Bar No. P84874)*

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CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2022, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to all parties that are CM/ECF participants in this action.

OLIVER LAW GROUP, P.C.

By: /s/ Paul Matouka

Paul Matouka (MI State Bar # 84874)